

REMARKS

These remarks are responsive to the Office Action dated April 22, 2005 and the Advisory Action dated August 9, 2005. Currently, Claims 1 and 3-29 are pending with Claims 1, 16, 27 and 28 being independent. Claim 2 was canceled and Claim 29 was added. Claims 1, 16, 27 and 28 have been amended. Support for these amendments can be found in the original claims as filed and in the specification at page 5, lines 17-22.

Summary of April 22, 2005 Office Action and August 9, 2005 Advisory Action

In the Office Action, dated April 22, 2005, the Examiner rejected Claims 1-4 and 7-28 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,946,386 to Rogers et al. (hereinafter "Rogers"). These rejections are respectfully traversed. Additionally, the amendments made to Claims 1, 16, 27 and 28 further differentiate the invention over Rogers. This fact was confirmed by the Examiner during a June 30, 2005 telephone interview and again in an August 22, 2005 telephone conversation with the Examiner.

In the same Office Action, the Examiner rejected Claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent No. 5,163,081 to Wycherley et al. (hereinafter "Wycherley"). These rejections are also respectfully traversed and the amendments to Claim 1 from which Claims 5 and 6 depend further distinguish these Claims over the references.

In the August 9, 2005 Advisory Action, the Supervisory Patent Examiner asserts that the addition of the claim amendments would require a new search (contrary to the agreement reached between Applicant's attorney and the Examiner during the June 30, 2005 telephone interview). The Supervisory Patent Examiner further states that "Applicant argues that Rogers does not disclose one device in the system passing information to another separate device." The

Supervisory Patent Examiner also asserts that this is not recited in the claims.

Finally, the Supervisory Patent Examiner asserts that the GUI recited in the claims is not shown in any of the figures. Applicant respectfully disagrees with this assertion as well.

Summary of Examiner Interview

Applicant would like to take this opportunity to express his gratitude for the courtesies extended to applicant's attorney during the telephonic interview of June 30, 2005 and the follow-up interview of August 22, 2005. During the first interview the following issues were discussed: col. 11, lines 33-37 of Rogers, col. 23, lines 29-34 of Rogers, the Graphical User Interface (GUI) of the present invention (including the graphical button or soft-key thereof) and customized/customizable messages. More particularly, it was discussed that Col. 11, lines 33-36 of Rogers, which discloses:

The **DSP 208** receives the information from the calling party 118 and passes it to the **call management computer 101** where the called party 111 or 113 is identified through the digits entered, through voice recognition or otherwise. (emphasis added)

is not a disclosure of one device in the system passing information to another separate device (as asserted by the Examiner in the April 22, 2005 Office Action. Instead, as seen from Figure 2 of Rogers, the DSP 208 is actually part of the call management computer 101. Thus, the Examiner agreed that this citation does not stand for the proposition set forth in the Office Action.

Regarding Col. 23, lines 29-34 of Rogers, which recites:

Call management computer 101 utilizes a DSP 108 to access a call management database 215 message to be provided to the calling party 118. A typical message is: "So that I may inform Mr. Johnson of your call, please enter your home of (*Sic.*) office telephone number or state your name."

it was discussed and agreed that this portion does not disclose, teach or suggest custom/customizable messages, nor does it disclose teach or suggest using the GUI to select and

play a message to the caller in addition to the automated message.

Finally, it was discussed and agreed during the first Interview that Rogers fails to disclose, teach or suggest using the GUI and in particular the graphical button or soft-key to select an additional message to be sent to the calling party. It was discussed and agreed during both interviews that the addition of this feature into the independent claims would more clearly differentiate the present invention over the Rogers reference. It was further agreed during the first interview, but then apparently unilaterally rescinded by the Supervisory Patent Examiner in the Advisory Action, that the language of the claims (particularly claim 2) “wherein the GUI is configured to selectively initiate another message” implied the use of the graphical button or soft-key and thus the addition of this language into the claims was not new matter and would not necessitate a new search.

Response to Rejections

Claim 1 as amended recites a call center that includes a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, a graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, where the information received from the CSRS originates from the calling party and wherein via a soft-key or graphical button the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party.

According to the Examiner, Rogers teaches every element of claim 1 except:

Rogers et al do not explicitly teach (*Sic.*) configured to receive and display information from the CSRS (*Sic.*) originates from the calling party. However, Rogers et al. further teach . . . receives information from the calling party and passes it to the called party. (Col. 11, lines 33-36).

Applicant respectfully traverses this rejection and reiterates that the Examiner agreed that the citation in Rogers does not stand for the proposition set forth. Thus, Rogers does not teach or suggest receiving and displaying information from the CSRS that comes from the calling party. In an effort to move prosecution forward applicant has agreed to amend claim 1 to include one or more of the features discussed above which the Examiner agreed were not disclosed, taught or suggested by Rogers; namely, the GUI being configured to selectively initiate an additional message using a soft-key or a graphical button wherein the additional message is customizable. As such, since one or more of these features are not taught or suggested by Rogers, the rejection of Claim 1 is respectfully traversed and overcome. The Examiner is respectfully requested to reconsider and withdraw the rejection of Claim 1.

In response to the Supervisory Patent Examiner's assertion that the claim does not recite one device passing information to another separate device, applicant respectfully points out that applicant was responding to the Examiner's assertion that Col. 11, lines 33-36 of Rogers discloses "passing information" received from the calling party to the call management computer and was not discussing the claims per se. Applicant maintains that this citation in Rogers does not stand for the proposition asserted by the Examiner in the April 22, 2005 Office Action for the reasons discussed above. Additionally, the aspect of the claims that applicant was referring to was the fact that Rogers fails to disclose a GUI that receives and displays information from the CSRS, which originates from the calling party. Applicant maintains that Rogers fails to disclose this aspect of the claims.

Claims 16, 27 and 28 were rejected for the same reasons as Claim 1 and similarly are not

rendered obvious by the Rogers for at least the same reasons stated above with respect to Claim 1. Additionally, in an effort to move prosecution forward applicant has agreed to amend Claims 16, 27 and 28 to also include one or more of the features discussed above which the Examiner agreed were not disclosed, taught or suggested by Rogers; namely, the GUI being configured to selectively initiate an additional message using a soft-key or a graphical button wherein the additional message is customizable. Therefore, the rejection of claims 16, 27 and 28 is respectfully traversed and overcome. The Examiner is respectfully requested to reconsider and withdraw his rejection of Claims 16, 27 and 28.

Claims 2-4, 7-15, 17-26 and new Claim 29 depend from Claims 1, 16 and 27 respectively. As such, Claims 2-4, 7-15, 17-26 and 29 are not rendered obvious by Rogers for at least the same reasons stated above with respect to Claims 1, 16 and 27. Therefore, the rejections of Claims 2-15 and 17-26 are traversed and overcome. The Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 2-4, 7-15 and 17-26.

Claims 5 and 6 were rejected as being unpatentable over Rogers in view of Wycherley. Claims 5 and 6 depend from Claim 1. Claim 1 is not rendered obvious by Rogers for the reasons discussed above. Wycherley does not cure the deficiencies of Rogers. Accordingly, for at least the reasons discussed above, Claims 5 and 6 are novel over the combination of Rogers and Wycherley. Thus, the Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 5 and 6.

Regarding the Supervisory Patent Examiner's assertion that the GUI is not illustrated in the figures, applicant respectfully points out that Figure 2 is the GUI, which is located at the agent 30 in Figure 1. Further, Figure 1 shows the connection/interaction between the Agent 30/GUI 100 and the CSRS 20 by the arrows in both directions located between the Agent 30 and

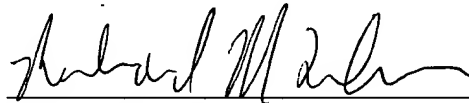
the CSRS 20.

No new matter has been added.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

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Respectfully submitted,



Richard M. Lehrer
Reg. No.: 38, 536
Attorneys for Applicant
MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO, P.C.
Chrysler Center
666 Third Avenue
New York, NY 10017
(212) 935-3000

NYC 336055v1